UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,604	07/12/2001	Brett A. Green	10010606-1	2599

7590 06/14/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
BECKER, SHAWN M	

ART UNIT	PAPER NUMBER
2173	2

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,604	GREEN ET AL.	
	Examiner	Art Unit	
	Shawn M. Becker	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 18-21 and 28-31 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,148,346 to Hanson (hereinafter Hanson).

Referring to claim 18, Hanson teaches a computer coupled to a dedicated purpose device (i.e. printer or other peripheral device; col. 2, lines 16-19 and 40-44) that receives a markup language (i.e. HTML) document from the dedicated purpose device. See col. 4, lines 39-41, which state that the driver portion may reside in the peripheral device and col. 5, lines 23-35, which describe how the driver top menu may be written in HTML. Also, see col. 7, lines 32-34. The method of Hanson displays the markup language document as a menu page of the dedicated purpose device, activates a menu item of the menu page, and in response to the activating, receives an updated markup language document from the dedicated purpose device. See Figs. 8A – 8J, which show menu items that may be selected (activated) and new menu pages (updated HTML documents). Also, see col. 8, lines 16-44.

Referring to claim 19, Hanson discloses displaying the markup language document further comprises interpreting the markup language document with a browser application (program that views HTML documents). See col. 4, lines 60-63 and col. 5, lines 31.

Referring to claim 20, activating a menu item in Hanson comprises selecting the menu item with an input device (i.e. mouse) of the computer. See the selectable hyperlinks in the menu of Fig. 8A, for example.

Referring to claim 21, activating a menu item in Hanson initiates a function of the dedicated purpose device. See Figs. 3-8 and col. 8, lines 44-48.

Referring to claim 28, Hanson teaches a method on a dedicated purpose device (i.e. printer or other peripheral device; col. 2, lines 16-19 and 40-44) that serves a markup language (i.e. HTML) document to a remote computer for display as a menu page having selectable menu items (i.e. hyperlinks). See col. 4, lines 39-41, which state that the driver portion may reside in the peripheral device (i.e. the device serves the driver portion to the computer) and col. 5, lines 23-35, which describe how the driver top menu may be written in HTML. Also, see col. 7, lines 32-34.

The method receives an event indicator associated with a selected menu item and executes a script code associated with the selected menu item. See Figs. 8A – 8J, which show menu items that may be selected (activated) and new menu pages (updated HTML documents). Also, see col. 8, lines 16-44.

Referring to claim 29-31, the executing a script code of Hanson alters text associated with the selectable menu items (i.e. col. 6, lines 24-30), serves a new markup language document to the remote computer for display as a refreshed menu page on the computer, and initiates a function of the dedicated purpose device. See Figs. 8A – 8J, which show new menu items with

their corresponding new text, new menu pages, and the ability to initiate functions of the peripheral device. Also, see col. 8, lines 16-44.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-17, 22-24, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson and the Canon NP-6551 copier as supported by http://www.petter-business.com/NP6551.html, 8/10/2000 (hereinafter Canon). The attached HotBot search result shows that date, August 10, 2000 that the article was posted to the Internet.

Referring to claim 1, Hanson teaches a dedicated purpose device (i.e. printer; col. 3, lines 15-24) with a menu screen that presents menu pages having one or more selectable menu items and markup language (i.e. HTML) documents that define the menu pages. See col. 5, lines 23-35.

Hanson describes that the driver portion, which includes the GUI for the peripheral device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose device. However, Canon describes, in the second paragraph, a copier (dedicated purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to

one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral device as taught by Canon.

Referring to claim 2, Hanson teaches a virtual machine executing on the dedicated purpose device to interpret and execute script code associated with selected menu items. See col. 4, line 58 – col. 5, line 12.

Referring to claim 3, Hanson teaches that the script code is configured to initiate a function of the dedicated purpose device. See col. 4, lines 45-57, for example.

Referring to claims 4-5, the script of Hanson is configured to alter text displayed on a menu page and reconfigure internal settings of the device corresponding to the altered text (i.e. col. 6, lines 24-30), update the menu screens with new menu pages, and reconfigure internal settings corresponding to the new menu page. See Figs. 8A – 8J, which show new menu items with their corresponding new text, new menu pages, and the ability to change system settings within the peripheral device. Also, see col. 8, lines 16-44.

Referring to claim 6, the script code of Hanson is Java, Java Applets, or any language with characteristics similar to Java (which includes JavaScript code) and the virtual machine is a java virtual machine. See col. 4, line 57 – col. 5, line 12.

Referring to claim 7, Hanson includes a local server module configured to serve a markup language document to the menu screen. See col. 4, line 42 and WWW server in Fig. 1.

Referring to claim 8, the local server module of Hanson is further configured to serve a markup language document to a remote computer (i.e. is connected to a network). See col. 3, lines 25-30.

Referring to claim 9, the dedicated device of Hanson is a printer, for example. See col. 2, lines 40-44.

Referring to claim 10, a selectable menu item of Hanson is defined by a markup language document and comprises a graphical key with a textual label. See col. 2, lines 45-50 and col. 5, lines 26-34. Also, see Figs. 3-8.

Referring to claim 11, the menu pages of Hanson identify and permit access to operable functions of the device. See Figs. 3-8 and col. 8, lines 44-48.

Referring to claim 12, the menu pages of Hanson are reconfigurable to identify and permit access to upgraded and additional operable functions of the device. See col. 1, lines 44-54, which describes how one of the problems overcome by Hanson was the inability to add features to the device driver that were not previously conceived at the time of authoring.

Referring to claim 13, Hanson teaches a dedicated purpose device (i.e. printer; col. 3, lines 15-24) that serves (col. 4, line 43) a markup language (i.e. HTML) document for display as a menu page on a menu screen, the menu page having selectable menu items. See col. 5, lines 23-35. Also, refer to col. 7, lines 32-34.

The device executes script code associated with a selected menu item. See col. 4, line 58 – col. 5, line 12.

Hanson describes that the driver portion, which includes the GUI for the peripheral device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose device. However, Canon describes, in the second paragraph, a copier (dedicated purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which

provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral device as taught by Canon.

Referring to claims 14-17, Hanson teaches that in response to executing the script code, text displayed on the menu screen is updated (i.e. col. 6, lines 24-30), a new markup language document is served to the menu screen for display as a refreshed menu page, or a function of the dedicated purpose device is initiated. See Figs. 8A – 8J, which show new menu items with their corresponding new text, new menu pages, and the ability to initiate functions within the peripheral device. Also, see col. 8, lines 16-44.

Referring to claim 22, Hanson teaches a dedicated purpose device (i.e. printer or other peripheral device; col. 2, lines 16-19 and 40-44) that defines menu pages for display on a menu screen with markup language documents. See col. 5, lines 23-35. Hanson teaches installing upgraded markup language documents that define reconfigured menu pages for display on the menu screen. See col. 1, lines 44-54, which describes how one of the problems overcome by Hanson was the inability to add features to the device driver that were not previously conceived at the time of authoring.

Hanson describes that the driver portion, which includes the GUI for the peripheral device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose device. However, Canon describes, in the second paragraph, a copier (dedicated purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which

provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral device as taught by Canon.

Referring to claim 23, the menu pages of Hanson present initial functions of the dedicated purpose device and the reconfigured menu pages present upgraded functions of the dedicated purpose device. See col. 7, lines 34-41.

Referring to claim 24, Hanson describes updating the peripheral device with functions not thought of at the time of authoring/later-installed functions (Hanson at col. 1, lines 44-67) and upgraded initial functions (col. 7, lines 34-41).

Referring to claim 32, Hanson teaches a method on a dedicated purpose device (i.e. printer or other peripheral device; col. 2, lines 16-19 and 40-44) that serves a markup language (i.e. HTML) document for display as a menu page having selectable menu items (i.e. hyperlinks). See col. 4, lines 39-41, which state that the driver portion may reside in the peripheral device or local server and col. 5, lines 23-35, which describe how the driver top menu may be written in HTML. Also, see col. 7, lines 32-34.

The method receives an event indicator associated with a selected menu item and executes a script code associated with the selected menu item. See Figs. 8A – 8J, which show menu items that may be selected (activated) and new menu pages (updated HTML documents). Also, see col. 8, lines 16-44.

Hanson describes that the driver portion, which includes the GUI for the peripheral device may reside in the host computer, peripheral device, or a server (col. 4, lines 35-57), but Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose device. However, Canon describes, in the second paragraph, a copier (dedicated purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral device as taught by Canon.

Referring to claim 33-35, the executing a script code of Hanson alters text associated with the selectable menu items (i.e. col. 6, lines 24-30), serves a new markup language document to the remote computer for display as a refreshed menu page on the computer, and initiates a function of the dedicated purpose device. See Figs. 8A – 8J, which show new menu items with their corresponding new text, new menu pages, and the ability to initiate functions of the peripheral device. Also, see col. 8, lines 16-44.

5. Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson, Canon, and U.S. Patent No. 6,327,045 to Teng et al. (hereinafter Teng).

Referring to claim 25, Hanson and Canon describe installing upgraded software (i.e. Hanson at col. 7, lines 34-41), but Hanson and Canon do not go into detail in describing how the software is installed. Teng describes a cross-platform compatible method of programming

peripheral device menus through HTML (Teng at col. 2, line 45 – col. 3, line 15) similar to Hanson that installs upgraded markup language documents by receiving a software upgrade (i.e. through a vendor; Teng at col. 2, lines 30-43) and installing the software upgrade on the dedicated purpose device (i.e. Teng at col. 8, lines 34-59). It would have been obvious to one of ordinary skill in the art to install software upgrades according to the method of Teng within the peripheral device of Hanson and Canon in order to allow different vendor and platform software packages to be made available for the peripheral device as supported by Teng.

Referring to claim 26, receiving a software upgrade in Hanson, Canon, and Teng includes loading the software upgrade onto the dedicated purpose device from a remote computer (i.e. via the Internet). See the network in Fig. 1 of Hanson and remote computer 49, in Fig. 1 of Teng.

Referring to claims 27, the receiving a software upgrade in Hanson, Canon, and Teng, *supra*, comprises loading the software upgrade onto the dedicated purpose device from a portable data medium. See Teng at col. 4, lines 9-63.

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach programming touch screen devices through HTML and JavaScript and updating/controlling peripheral devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Becker whose telephone number is (703) 305-7756. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100